IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.900 of 1998

For Approval and Signature:
HONOURABLE MR.JUSTICE D.A.MEHTA Sd/-

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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SMT. MUKESH RANI - Petitioner(s)
Versus
THE DIRECTOR (SRE),
INDIRA GANDHI NATIONAL OPEN UNI. & 1-Respondent(s)

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Appearance :
MR TR MISHRA for Petitioner(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 1,
NANAVATI & NANAVATI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA
Date : 21/03/2007
ORAL JUDGMENT

(1) This petition has been filed praying for following reliefs:

"11. In view of the aforesaid facts and circumstances of the case, it is prayed that this Hon. Court be pleased to grant the following relief :-

A) That Your Lordships be pleased to issue an order and or direction or writ in the nature of mandamus and or certiorari or any other appropriate writ, order or direction directing the respondent to correct the original marksheet on the basis of the marks re-evaluated by the University authorities.

B) That Your Lordships be further pleased to issue direction to the respondent to re-evaluate the paper-3 and correct the marks and be further pleased to issue direction to the respondent University to issue revised marksheet after calculating the marks obtained by the petitioner and accordingly grant the grade.

C) Any other relief to which this Hon. Court deems fit and proper in the interest of justice together with costs."

(2) Heard the learned advocate for the petitioner and the learned advocate for respondent No.2. It is stated by the learned advocate for the respondent No.2 that despite several letters having been written by the learned advocate for obtaining instructions, no instructions are forthcoming.

(3) The petitioner was the student of Indira Gandhi National Open University (IGNOU) for the Bachelor's degree in Library and Information Science. The petitioner took her examination in December, 1996 with Role No.BLC-9694 00 317. The petitioner having passed at the examination was issued mark sheet on 06.06.1997. On receipt of the mark sheet the petitioner found that in relation to certain assignments submitted by the petitioner, no proper evaluation had taken place and hence, the petitioner did not get the correct grade. The petitioner, therefore, approached the respondent-University calling upon the respondent-University to undertake reassessment/reevaluation of the assignments. Ultimately, it is an admitted fact, the reevaluation was undertaken and the grievance made by the petitioner appears to have been found to be correct considering the reevaluation made by the examiner appointed for this purpose by IGNOU. Therefore, as a natural corollary the petitioner wrote on 25.10.1997 asking the respondent-University to correct the mark sheet and award the

appropriate grade on correction of the mark sheet. Admittedly, there has been no response from IGNOU.

(4) The petitioner thereupon approached this Court and Rule was issued on 12.02.1998. Despite service, no reply has been filed on behalf of the respondents, though respondents, more particularly respondent No.2, has put in appearance through the learned advocate. As noted hereinbefore, after entering appearance, the learned advocate has not been given any instructions by respondent No.2.

(5) In the aforesaid facts and circumstances of the case it is apparent that IGNOU has no case to resist the legitimate request made by the petitioner, namely, to correct the mark sheet on the basis of the reevaluation of the assignments of the petitioner.

(6) In the circumstances, the petition is allowed. The respondent-University is directed to issue a corrected mark sheet after incorporating the marks awarded to the petitioner on reassessment of the

assignments, and also award the correct grade as a natural corollary. The respondent-University shall complete this exercise within a period of 02 (two) weeks from the date of receipt of a simple copy of this judgment without waiting for a certified copy or a writ of this Court.

(7) Rule made absolute. There shall be no order as to costs.

[D.A. MEHTA, J]

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Bhavesh*